



**Joyce, Paul &  
McDaniel, P.C.**

Attorneys & Counselors

1717 S. Boulder Ave., Ste. 200  
Tulsa, Oklahoma 74119-4833

October 7, 2005

Delaware County  
Carol Fortner, Court Clerk  
P.O. Box 309  
Jay, Oklahoma 74346

**Re: Supplemental Notice of Claim Pursuant to Oklahoma's Governmental  
Tort Claims Act and Solid Waste Disposal Act**

Dear Ms. Fortner:

Pursuant to OKLA. STAT. tit. 51 § 156 and 42 U.S.C. 6972(a)(1)(B), the following parties are providing you with supplemental notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Aviagen, Inc.; Cal-Maine Foods, Inc.; Cal-Maine Farms, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General served this lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.<sup>1</sup>

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is

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<sup>1</sup> The Companies previously sent their required notice pursuant to the Governmental Tort Claims Act 51 O.S. § 156 to Cherokee County on July 28, 2005, stating their potential contribution and indemnification claims based upon the Complaint filed by the State of Oklahoma on June 13, 2005, which alleged claims under CERCLA, state and federal statutes, and state and federal common law. The only claim this supplemental notice applies to is the Companies' potential contribution claim under SWDA claim, which was alleged for the first time in the Amended Complaint filed by the Attorney General on August 19, 2005. This notice will not effect Cherokee County's statutory response time under the Governmental Tort Claims Act for the July 28, 2005 notice.

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a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients, such as phosphorus, are solid or hazardous wastes, that any damage has occurred, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of the constituents of poultry litter including nutrients into the Illinois River Watershed are the source of alleged damages, other sources such as municipal waste systems, recreational facilities and their waste handling facilities, and golf courses, may be potentially liable under the same theories under state and federal law. You are receiving this notice pursuant to 42 U.S.C. § 6972(a)(1)(B) and OKLA. STAT. tit. 51 § 156, because your activities may be contributing nutrients and other substances to the waters in the Illinois River Watershed, by virtue of your operations of the aforementioned types, and the Attorney General has claimed that such nutrients and substances are causing an "imminent and substantial endangerment to human health and the environment."

The Companies deny the State's allegations, including that damage has occurred and deny that the Companies are responsible for any such damage. However, because the State of Oklahoma instituted this litigation, the Companies intend on filing a Third-Party Complaint against Delaware County, other point source contributors, and other non-point source contributors seeking relief in the form of an injunction requiring the third-parties to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve to the extent permissible under Oklahoma's Governmental Tort Claims Act. The Companies will also seek all other equitable and legal remedies available.

The State of Oklahoma is seeking the following in its First Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- III. A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;

Page 3  
October 7, 2005

- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
- V. Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- VI. Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies shall seek the same relief from Third-Party Point Source Contributors and Non-Point Source Contributors including Cherokee County to the extent permitted by law. It is the Companies' position that any comprehensive and effective resolution to reduce the level of these constituents in the Illinois River Watershed must involve all stakeholders and potential contributors.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

Cal-Maine Foods, Inc.  
Cal-Maine Farms, Inc.  
Robert E. Sanders  
Young Williams, P.A.  
2000 AmSouth Plaza  
P.O. Box 23059  
Jackson, MS 39225  
(601) 948-6100

Page 4  
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cc: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Illinois WS  
Supplemental  
Notice

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City, State: Jay, OK 74346-

PS Form 3811, February 2004

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<p>1. Article Addressed to:</p> <p>Carol Fortner - County Clerk P. O. Box 309 Jay, OK 74346-</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from) 7003 3110 0004 1976 2226</p>	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



**Joyce, Paul &  
McDaniel, P.C.**

Attorneys & Counselors

1717 S. Boulder Ave., Ste. 200  
Tulsa, Oklahoma 74119-4833

October 7, 2005

Cherokee County  
Shirley Glory, Court Clerk  
213 W. Delaware, Room 200  
Tahlequah, Oklahoma 74464

**Re: Supplemental Notice of Claim Pursuant to Oklahoma's Governmental  
Tort Claims Act and Solid Waste Disposal Act**

Dear Ms. Glory:

Pursuant to OKLA. STAT. tit. 51 § 156 and 42 U.S.C. 6972(a)(1)(B), the following parties are providing you with supplemental notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Aviagen, Inc.; Cal-Maine Foods, Inc.; Cal-Maine Farms, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

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In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is

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The Companies deny that poultry litter or nutrients, such as phosphorus, are solid or hazardous wastes, that any damaged has occurred, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of the constituents of poultry litter including nutrients into the Illinois River Watershed are the source of alleged damages, other sources such as municipal waste systems, recreational facilities and their waste handling facilities, and golf courses, may be potentially liable under the same theories under state and federal law. You are receiving this notice pursuant to 42 U.S.C. § 6972(a)(1)(B) and OKLA. STAT. tit. 51 § 156, because your activities may be contributing nutrients and other substances to the waters in the Illinois River Watershed, by virtue of your operations of the aforementioned types, and the Attorney General has claimed that such nutrients and substances are causing an "imminent and substantial endangerment to human health and the environment."

The Companies deny the State's allegations, including that damage has occurred and deny that the Companies are responsible for any such damage. However, because the State of Oklahoma instituted this litigation, the Companies intend on filing a Third-Party Complaint against Cherokee County, other point source contributors, and other non-point source contributors seeking relief in the form of an injunction requiring the third-parties to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve to the extent permissible under Oklahoma's Governmental Tort Claims Act. The Companies will also seek all other equitable and legal remedies available.

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Best regards,

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c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

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c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
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Oklahoma City, Oklahoma 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

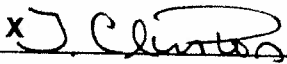
Steve Thompson  
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2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  </p> <p>B. Received by (Printed Name)            T. Clinton</p> <p>C. Date of Delivery            6/1/05</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Shriley Glory - County Clerk            213 W. Delaware, Room 200            Tahlequah, OK 74464-</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>2. Article Number            (Transfer from sender)</p>	<p>7003 3110 0004 1976 2295</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	



**Joyce, Paul &  
McDaniel, P.C.**

Attorneys & Counselors

1717 S. Boulder Ave., Ste. 200  
Tulsa, Oklahoma 74119-4833

October 7, 2005

Adair County  
Carrie Philpott, County Clerk  
P.O. Box 169  
Stilwell, Oklahoma 74960

**Re: Supplemental Notice of Claim Pursuant to Oklahoma's Governmental  
Tort Claims Act and Solid Waste Disposal Act**

Dear Ms. Philpot:

Pursuant to OKLA. STAT. tit. 51 § 156 and 42 U.S.C. 6972(a)(1)(B), the following parties are providing you with supplemental notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Aviagen, Inc.; Cal-Maine Foods, Inc.; Cal-Maine Farms, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

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Best regards,

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c/o Scott McDaniel, Esq.  
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Administrator  
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1200 Pennsylvania Ave., NW  
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Steve Thompson  
Executive Director  
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of Environmental Quality  
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Oklahoma City, OK 73101-1677

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Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105



*Illinois WS  
Supplemental  
Notice*

7003 3110 0004 1976 2301

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Sent To	Carrie Philpott - County Clerk
Street, Apt. or PO Box	P. O. Box 169
City, State	Stilwell, OK 74960-
PS Form	ctions

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Carrie Philpott - County Clerk  
P. O. Box 169  
Stilwell, OK 74960-

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *Tracy Wyche* ☐ Agent ☐ Addressee

B. Received by (Printed Name) *Tracy Wyche* C. Date of Delivery *10-11-05*

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

2. Article Number  
(Transfer from service) 7003 3110 0004 1976 2301

# Field Inspection

**819**

Ranking Level:

---

Date:

Field Inspector:

Property Owner Adair County,

Facility Name:

Operator:

Street Address:

Mailing Address:

Property Size:

Assessors Number:

Latitude:

Longitude:

Operation Type:

Property Improvements

☐ Photographs Taken

☐ Property Sketch Prepared

Water Bodies:

FI Note sent a governmental tort claims act letter 7/28/05

Questions:

Information Required:



**Joyce, Paul &  
McDaniel, P.C.**

Attorneys & Counselors

1717 S. Boulder Ave., Ste. 200  
Tulsa, Oklahoma 74119-4833

October 7, 2005

Sequoyah County  
Donna Jamison, County Clerk  
120 E. Chickasaw  
Sallisaw, Oklahoma 74955

**Re: Supplemental Notice of Claim Pursuant to Oklahoma's Governmental  
Tort Claims Act and Solid Waste Disposal Act**

Dear Ms. Jamison:

Pursuant to OKLA. STAT. tit. 51 § 156 and 42 U.S.C. 6972(a)(1)(B), the following parties are providing you with supplemental notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Aviagen, Inc.; Cal-Maine Foods, Inc.; Cal-Maine Farms, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General served this lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.<sup>1</sup>

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is

---

<sup>1</sup> The Companies previously sent their required notice pursuant to the Governmental Tort Claims Act 51 O.S. § 156 to Sequoyah County on July 28, 2005, stating their potential contribution and indemnification claims based upon the Complaint filed by the State of Oklahoma on June 13, 2005, which alleged claims under CERCLA, state and federal statutes, and state and federal common law. The only claim this supplemental notice applies to is the Companies' potential contribution claim under SWDA claim, which was alleged for the first time in the Amended Complaint filed by the Attorney General on August 19, 2005. This notice will not effect Sequoyah County's statutory response time under the Governmental Tort Claims Act for the July 28, 2005 notice.

Page 2  
October 7, 2005

a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients, such as phosphorus, are solid or hazardous wastes, that any damage has occurred, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of the constituents of poultry litter including nutrients into the Illinois River Watershed are the source of alleged damages, other sources such as municipal waste systems, recreational facilities and their waste handling facilities, and golf courses, may be potentially liable under the same theories under state and federal law. You are receiving this notice pursuant to 42 U.S.C. § 6972(a)(1)(B) and OKLA. STAT. tit. 51 § 156, because your activities may be contributing nutrients and other substances to the waters in the Illinois River Watershed, by virtue of your operations of the aforementioned types, and the Attorney General has claimed that such nutrients and substances are causing an "imminent and substantial endangerment to human health and the environment."

The Companies deny the State's allegations, including that damage has occurred and deny that the Companies are responsible for any such damage. However, because the State of Oklahoma instituted this litigation, the Companies intend on filing a Third-Party Complaint against Sequoyah County, other point source contributors, and other non-point source contributors seeking relief in the form of an injunction requiring the third-parties to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve to the extent permissible under Oklahoma's Governmental Tort Claims Act. The Companies will also seek all other equitable and legal remedies available.

The State of Oklahoma is seeking the following in its First Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- III. A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;

Page 3  
October 7, 2005

- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
- V. Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- VI. Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies shall seek the same relief from Third-Party Point Source Contributors and Non-Point Source Contributors including Sequoyah County to the extent permitted by law. It is the Companies' position that any comprehensive and effective resolution to reduce the level of these constituents in the Illinois River Watershed must involve all stakeholders and potential contributors.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

Cal-Maine Foods, Inc.  
Cal-Maine Farms, Inc.  
Robert E. Sanders  
Young Williams, P.A.  
2000 AmSouth Plaza  
P.O. Box 23059  
Jackson, MS 39225  
(601) 948-6100

Page 4  
October 7, 2005

cc: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105



Illinois WS  
Supplemental Notice

7003 3110 0004 1976 2318

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Send To or P City	Donna Jamison - County Clerk 120 E. Chickasaw Sallisaw, OK 74955-
PS Form 3811	Instructions

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature * <i>Donna Jamison</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 10/11/05</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Donna Jamison - County Clerk 120 E. Chickasaw Sallisaw, OK 74955-</p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.         </p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from ser 7003 3110 0004 1976 2318)</p>			
PS Form 3811, August 2001		Domestic Return Receipt 2ACPRI-03-Z-0985	



**Joyce, Paul &  
McDaniel, P.C.**

Attorneys & Counselors

1717 S. Boulder Ave., Ste. 200  
Tulsa, Oklahoma 74119-4833

October 7, 2005

Tahlequah Public Works Department  
Harvey Chaffin  
P.O. Box 29  
Tahlequah, Oklahoma 74465

**Re: Supplemental Notice of Claim Pursuant to Oklahoma's Governmental  
Tort Claims Act and Solid Waste Disposal Act**

Dear Mr. Chaffin:

Pursuant to OKLA. STAT. tit. 51 § 156 and 42 U.S.C. 6972(a)(1)(B), the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Cal-Maine Foods, Inc.; Cal-Maine Farms, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General served this lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients, such as phosphorus, are solid or hazardous wastes, that any damaged has occurred, or that they or their contract poultry

Page 2  
October 7, 2005

growers have violated any law. However, since the Attorney General claims that the release of the constituents of poultry litter including nutrients into the Illinois River Watershed are the source of alleged damages, other sources such as municipal waste systems, recreational facilities and their waste handling facilities, and golf courses, may be potentially liable under the same theories under state and federal law. You are receiving this notice pursuant to 42 U.S.C. § 6972(a)(1)(B) and OKLA. STAT. tit. 51 § 156, because your activities may be contributing nutrients and other substances to the waters in the Illinois River Watershed, by virtue of your operations of the aforementioned types, and the Attorney General has claimed that such nutrients and substances are causing an "imminent and substantial endangerment to human health and the environment."

The Companies deny the State's allegations, including that damage has occurred and deny that the Companies are responsible for any such damage. However, because the State of Oklahoma instituted this litigation, the Companies intend to bring a Third-Party Complaint against you, other point source contributors, and other non-point source contributors seeking relief in the form of an injunction requiring the third-parties to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve to the extent permissible under Oklahoma's Governmental Tort Claims Act. The Companies will also seek all other equitable and legal remedies available.

The State of Oklahoma is seeking the following in its First Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- III. A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;
- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
- V. Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- VI. Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;

Page 3  
October 7, 2005

VII. Statutory penalties; and

VIII. Reimburse the State for its attorney's fees and costs.

The Companies shall seek the same relief from Third-Party Point Source Contributors and Non-Point Source Contributors including the Tahlequah Public Works Department to the extent permitted by law. It is the Companies' position that any comprehensive and effective resolution to reduce the level of these constituents in the Illinois River Watershed must involve all stakeholders and potential contributors.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

Cal-Maine Foods, Inc.  
Cal-Maine Farms, Inc.  
Robert E. Sanders  
Young Williams, P.A.  
2000 AmSouth Plaza  
P.O. Box 23059  
Jackson, MS 39225  
(601) 948-6100

Page 4  
October 7, 2005

cc: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Illinois WS  
Supplemental  
Notice

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Total Postage & Fees	\$ 6.03
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Sent To: Tahlequah Public Works Department Street: Harvey Chaffin or PO: P. O. Box 29 City, S: Tahlequah, OK 74465	
PS Form	Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature X Cynthia L. Hand <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  Tahlequah Public Works Department Harvey Chaffin P. O. Box 29 Tahlequah, OK 74465		B. Received by (Printed Name) Cynthia L. Hand C. Date of Delivery OCT 11 2005	
2. Article Number (Transfer from service)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		Domestic Return Receipt	

102595-02-M-1540



October 14, 2005

Westville Utility Authority  
P.O. Box 117  
212 S. Williams St.  
Westville, Oklahoma 74965

**Re: Notice of Claim Pursuant to Oklahoma's Governmental Tort Claims  
Act and Solid Waste Disposal Act**

To Whom It May Concern::

Pursuant to OKLA. STAT. tit. 51 § 156 and 42 U.S.C. 6972(a)(1)(B), the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Cal-Maine Foods, Inc.; Cal-Maine Farms, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General served this lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

Page 2  
October 14, 2005

The Companies deny that poultry litter or nutrients, such as phosphorus, are solid or hazardous wastes, that any damage has occurred, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of the constituents of poultry litter including nutrients into the Illinois River Watershed are the source of alleged damages, other sources such as municipal waste systems, recreational facilities and their waste handling facilities, and golf courses, may be potentially liable under the same theories under state and federal law. You are receiving this notice pursuant to 42 U.S.C. § 6972(a)(1)(B) and OKLA. STAT. tit. 51 § 156, because your activities may be contributing nutrients and other substances to the waters in the Illinois River Watershed, by virtue of your operations of the aforementioned types, and the Attorney General has claimed that such nutrients and substances are causing an "imminent and substantial endangerment to human health and the environment."

The Companies deny the State's allegations, including that damage has occurred and deny that the Companies are responsible for any such damage. However, because the State of Oklahoma instituted this litigation, the Companies intend to bring a Third-Party Complaint against you. The Companies filed a Third-Party Complaint against other point source contributors and other non-point source contributors on October 4, 2005 seeking relief which mirrors that raised by the State of Oklahoma in its Complaint. Such relief includes an injunction requiring the third-parties participate with the Companies in each and every aspect of relief the Attorney General intends to achieve to the extent permissible under Oklahoma's Governmental Tort Claims Act. The Companies will also seek all other equitable and legal remedies available.

The State of Oklahoma is seeking the following in its First Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- III. A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;
- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;

Page 3  
October 14, 2005

- V. Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- VI. Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies shall seek the same relief from Third-Party Point Source Contributors and Non-Point Source Contributors including the Westville Utility Authority to the extent permitted by law. It is the Companies' position that any comprehensive and effective resolution to reduce the level of these constituents in the Illinois River Watershed must involve all stakeholders and potential contributors.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
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Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
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George's, Inc.  
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Bassett Law Firm  
P.O. Box 3618  
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Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
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Cal-Maine Foods, Inc.  
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Robert E. Sanders  
Young Williams, P.A.  
2000 AmSouth Plaza  
P.O. Box 23059  
Jackson, MS 39225  
(601) 948-6100

Page 4  
October 14, 2005

cc: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

16

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 P. O. Box 117  
 Street, or P.O. E. 212 S. Williams St.  
 City, St. Westville, OK 74965

PS Form 3811, August 2001

7003 3110 0004 1976 0543

OCT 14 2005

**SENDER: COMPLETE THIS SECTION**

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
 ■ Print your name and address on the reverse so that we can return the card to you.  
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Westville Utility Authority  
 P. O. Box 117  
 S. Williams St.  
 Westville, OK 74965

2. Article Number  
 (Transfer from serv) 7003 3110 0004 1976 0543

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Jeff M...* ☐ Agent ☐ Addressee

B. Received by (Printed Name)  
 C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

WESTVILLE, OK 74965  
 OCT 17 2005

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

October 10, 2005

Mary Lansberg  
River Farms of Tahlequah LLC  
2924 Drakeston Ave.  
Oklahoma City, OK 73120

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Mary Lansberg:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General has served the lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the



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October 10, 2005

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On October 4, 2005, the Companies filed their Third Party Complaint in this lawsuit stating their claims for contribution and indemnification against other potential contributors within the watershed, whose activities are listed above. The Companies are seeking relief in the form of requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve including injunctive relief. The Companies have already named you in the lawsuit based upon those claims listed by the Attorney General in the Amended Complaint with the exception of third party claims under the SWDA. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that you will be joined as a third-party defendant in their contribution and indemnification claims under SWDA, and that Companies will seek all equitable and legal remedies available against you, including those demands made by the Attorney General upon the Companies.

The Companies are only serving you with this notice and bringing you into the lawsuit because they are required to by the actions of the Attorney General. In their negotiations with the Attorney General, the Companies have been very vocal about the need to resolve Oklahoma's water quality concerns in Illinois River Watershed in a comprehensive fashion so as to address all of the potential nutrient sources. To date, the Companies' efforts have been ignored. Although the Companies have made every attempt to negotiate a solution to this problem with the Attorney General, he has elected to file and pursue his lawsuit against the Companies.

The State of Oklahoma is seeking the following in its Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- III. A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;

Page 3 of 4  
October 10, 2005

- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
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- VI. Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies remain willing to resolve this dispute with the Attorney General. However, you must be involved in any comprehensive solution to reduce the level of these nutrients in the Illinois River Watershed will require your involvement. If you have questions about this notice, you may contact one of the Company representatives identified below.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

Page 4 of 4  
October 10, 2005

CC: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

October 10, 2005

David R & Robin L. Wofford  
Rt 2 Box 370  
Watts, OK 74964

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear David R & Robin L. Wofford:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

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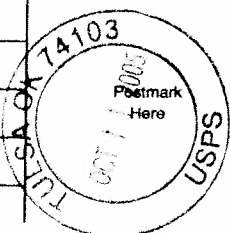
Steve Thompson  
Executive Director  
Oklahoma Department  
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P.O. Box 1677  
Oklahoma City, OK 73101-1677



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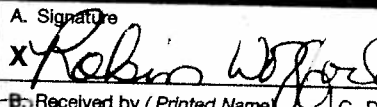
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See David R & Robin L. Wofford  
 Str Rt 2 Box 370  
 or Watts, OK 74964  
 Cit

**RESTRICTED DELIVERY**

PS Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature   <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)            Robin Wofford</p> <p>C. Date of Delivery            10-15</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            if YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>David R &amp; Robin L. Wofford            Rt 2 Box 370            Watts, OK 74964</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number            (Transfer from: 7003 3110 0004 1976 1007)</p>	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

October 10, 2005

Katherine L. & Kevin W. Tye  
810 Pirates Cove  
Mammorneck, NY 10543

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Katherine L. & Kevin W. Tye:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

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The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the

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c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
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Ste 200  
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Washington, DC 20460

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

October 10, 2005

Twin City Construction, Inc.  
P. O. Box 177  
Siloam Springs, AR 72761

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Twin City Construction, Inc.:

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USDC  
October 10, 2005

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October 10, 2005

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Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

October 10, 2005

Wauhilla Outing Club  
P. O. Box 1286  
Muskogee, OK 74401

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Wauhilla Outing Club:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General has served the lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the

Page 2 of 4  
October 10, 2005

Watershed is the source of the alleged damages, other sources of nutrients, such as domestic and municipal waste systems, including septic systems, campgrounds, golf courses, marinas, nurseries, cattle operations, horse operations, hay operations and other users of commercial fertilizers in the Watershed may be potentially liable under the same legal theories.

On October 4, 2005, the Companies filed their Third Party Complaint in this lawsuit stating their claims for contribution and indemnification against other potential contributors within the watershed, whose activities are listed above. The Companies are seeking relief in the form of requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve including injunctive relief. The Companies have already named you in the lawsuit based upon those claims listed by the Attorney General in the Amended Complaint with the exception of third party claims under the SWDA. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that you will be joined as a third-party defendant in their contribution and indemnification claims under SWDA, and that Companies will seek all equitable and legal remedies available against you, including those demands made by the Attorney General upon the Companies.

The Companies are only serving you with this notice and bringing you into the lawsuit because they are required to by the actions of the Attorney General. In their negotiations with the Attorney General, the Companies have been very vocal about the need to resolve Oklahoma's water quality concerns in Illinois River Watershed in a comprehensive fashion so as to address all of the potential nutrient sources. To date, the Companies' efforts have been ignored. Although the Companies have made every attempt to negotiate a solution to this problem with the Attorney General, he has elected to file and pursue his lawsuit against the Companies.

The State of Oklahoma is seeking the following in its Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- III. A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;

Page 3 of 4  
October 10, 2005

- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
- V. Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- VI. Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies remain willing to resolve this dispute with the Attorney General. However, you must be involved in any comprehensive solution to reduce the level of these nutrients in the Illinois River Watershed will require your involvement. If you have questions about this notice, you may contact one of the Company representatives identified below.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

Page 4 of 4  
October 10, 2005

cc: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

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Sent  
 Street or P.O. Box  
 City, State, ZIP+4®  
 Wauhilla Outing Club  
 P. O. Box 1286  
 Muskogee, OK 74401

PS Form 3811, February 2004

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <b>ANDY ANDERSON</b></p> <p>C. Date of Delivery  <b>10-12-05</b></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Wauhilla Outing Club          P. O. Box 1286          Muskogee, OK 74401</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number          (Transfer from ser)</p> <p>7003 3110 0004 1976 1014</p>		<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



October 10, 2005

Anthony Wayne Hare  
Crystal Creek Ranch  
25881 E. Lane School Rd.  
Tahlequah, OK 74464

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Anthony Wayne Hare:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General has served the lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the

Page 1401  
October 10, 2005

Watershed is the source of the alleged damages, other sources of nutrients, such as domestic and municipal waste systems, including septic systems, campgrounds, golf courses, marinas, nurseries, cattle operations, horse operations, hay operations and other users of commercial fertilizers in the Watershed may be potentially liable under the same legal theories.

On October 4, 2005, the Companies filed their Third Party Complaint in this lawsuit stating their claims for contribution and indemnification against other potential contributors within the watershed, whose activities are listed above. The Companies are seeking relief in the form of requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve including injunctive relief. The Companies have already named you in the lawsuit based upon those claims listed by the Attorney General in the Amended Complaint with the exception of third party claims under the SWDA. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that you will be joined as a third-party defendant in their contribution and indemnification claims under SWDA, and that Companies will seek all equitable and legal remedies available against you, including those demands made by the Attorney General upon the Companies.

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Page 56 of 153  
06/23/2006

- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
- V. Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- VI. Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies remain willing to resolve this dispute with the Attorney General. However, you must be involved in any comprehensive solution to reduce the level of these nutrients in the Illinois River Watershed will require your involvement. If you have questions about this notice, you may contact one of the Company representatives identified below.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

10/23/05  
October 11, 2005

CC: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

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Washington, DC 20460

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

October 10, 2005

LaDonna Eddings Caviness  
26367 Hwy 62  
Proctor, OK 74457-

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear LaDonna Eddings Caviness:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

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The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the

Page 2 of 4  
October 10, 2005

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Page 3 of 4

October 10, 2005

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Best regards,

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c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

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Ryan, Whaley, Coldiron  
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119 North Robinson  
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Conner & Winters,  
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(479) 582-5711

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George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
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State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
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LaDonna Eddings Caviness  
 26367 Hwy 62  
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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <i>LaDonna Caviness</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>LaDonna Eddings Caviness          26367 Hwy 62          Tahlequah OK 74464</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. 7003 3110 0004 1976 1199</p>	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>

October 10, 2005

Thomas E. Eddings  
26367 Hwy 62  
Proctor, OK 74457-

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Thomas E. Eddings:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

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October 10, 2005

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Page 3 of 4  
October 10, 2005

- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
- V. Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
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- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies remain willing to resolve this dispute with the Attorney General. However, you must be involved in any comprehensive solution to reduce the level of these nutrients in the Illinois River Watershed will require your involvement. If you have questions about this notice, you may contact one of the Company representatives identified below.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

Page 4 of 4  
October 10, 2005

cc: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

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**RESTRICTED DELIVERY**

Sender  
 Thomas E. Eddings  
 26367 Hwy 62  
 Proctor, OK 74457-  
 City, State or P

PS Form 3811, February 2004

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Thomas E. Eddings  
 26367 Hwy 62  
 Tahlequah Ok 74464

2. Article (Trade)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Thomas E. Eddings* ☐ Agent ☐ Addressee

B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery \_\_\_\_\_

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



October 10, 2005

Bonnie Eddings Kile  
26367 Hwy 62  
Proctor, OK 74457-

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Bonnie Eddings Kile:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General has served the lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the

Page 2 of 4  
October 10, 2005

Watershed is the source of the alleged damages, other sources of nutrients, such as domestic and municipal waste systems, including septic systems, campgrounds, golf courses, marinas, nurseries, cattle operations, horse operations, hay operations and other users of commercial fertilizers in the Watershed may be potentially liable under the same legal theories.

On October 4, 2005, the Companies filed their Third Party Complaint in this lawsuit stating their claims for contribution and indemnification against other potential contributors within the watershed, whose activities are listed above. The Companies are seeking relief in the form of requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve including injunctive relief. The Companies have already named you in the lawsuit based upon those claims listed by the Attorney General in the Amended Complaint with the exception of third party claims under the SWDA. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that you will be joined as a third-party defendant in their contribution and indemnification claims under SWDA, and that Companies will seek all equitable and legal remedies available against you, including those demands made by the Attorney General upon the Companies.

The Companies are only serving you with this notice and bringing you into the lawsuit because they are required to by the actions of the Attorney General. In their negotiations with the Attorney General, the Companies have been very vocal about the need to resolve Oklahoma's water quality concerns in Illinois River Watershed in a comprehensive fashion so as to address all of the potential nutrient sources. To date, the Companies' efforts have been ignored. Although the Companies have made every attempt to negotiate a solution to this problem with the Attorney General, he has elected to file and pursue his lawsuit against the Companies.

The State of Oklahoma is seeking the following in its Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- III. A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;

Page 3 of 4  
October 10, 2005

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Best regards,

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c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

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Page 4 of 4  
October 10, 2005

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Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

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Environmental Protection Agency  
Region 6  
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**RESTRICTED DELIVERY**

Sent To: Bonnie Eddings Kile  
 Street, or PO E: 26367 Hwy 62  
 City, St: Proctor, OK 74457

PS Form 3811, February 2004

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bonnie Eddings Kile  
 26367 Hwy 62  
 Tahlequah OK 74464

2. Article Numt (Transfer from) 7003 3110 0004 1976 1229

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Bonnie Kile*

B. Received by (Printed Name) \_\_\_\_\_

C. Date of Delivery \_\_\_\_\_

D. Is delivery address different from item 1? ☐ Yes ☒ No  
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3. Service Type  
☒ Certified Mail ☐ Express Mail  
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4. Restricted Delivery? (Extra Fee) ☒ Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

October 10, 2005

Sue Eddings Shankle  
26367 Hwy 62  
Proctor, OK 74457-

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Sue Eddings Shankle:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General has served the lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the



Page 2 of 4  
October 10, 2005

Watershed is the source of the alleged damages, other sources of nutrients, such as domestic and municipal waste systems, including septic systems, campgrounds, golf courses, marinas, nurseries, cattle operations, horse operations, hay operations and other users of commercial fertilizers in the Watershed may be potentially liable under the same legal theories.

On October 4, 2005, the Companies filed their Third Party Complaint in this lawsuit stating their claims for contribution and indemnification against other potential contributors within the watershed, whose activities are listed above. The Companies are seeking relief in the form of requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve including injunctive relief. The Companies have already named you in the lawsuit based upon those claims listed by the Attorney General in the Amended Complaint with the exception of third party claims under the SWDA. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that you will be joined as a third-party defendant in their contribution and indemnification claims under SWDA, and that Companies will seek all equitable and legal remedies available against you, including those demands made by the Attorney General upon the Companies.

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Page 3 of 4  
October 10, 2005

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- VIII. Reimburse the State for its attorney's fees and costs.

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Best regards,

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c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
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Tyson Foods, Inc.  
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Page 4 of 4  
October 10, 2005

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Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
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Environmental Protection Agency  
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1445 Ross Ave. Ste 1200  
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Sen Sue Eddings Shankle  
 Srs 26367 Hwy 62  
 or P Proctor, OK 74457-  
 City

PS Instructions

7003 3110 0004 1976 1212

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <i>Glenda Sue Shankle</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Sue Eddings Shankle          26367 Hwy 62          Tahlequah OK 74464</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from)</p> <p>7003 3110 0004 1976 1212</p>	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

October 10, 2005

Darrell Moss  
Route 2, Box 531  
Westville, OK 74965

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Darrell Moss:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

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Page 2 of 4  
October 10, 2005

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Washington, DC 20460

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**RESTRICTED DELIVERY**

**TULSA OK 74103**  
 OCT 11 2005  
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Sent 1  
 Street, or PO  
 City, State  
 PS Form 3811, February 2004

Darrell Moss  
 Route 2, Box 531  
 Westville, OK 74965

Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature            x <i>Darrell Moss</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Darrell Moss            Route 2, Box 531            Westville, OK 74965</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from)</p> <p>7003 3110 0004 1976 1021</p>	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>

April 8, 2005

William J. and Cherrie House  
PO Box 512  
Chouteau, OK 74337

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Sir or Madam:

This letter is to inform you that the following parties are providing you with a 90-day notice of their potential claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Simmons Foods, Inc.; George's, Inc.; and Willow Brook Foods, Inc. (the "Companies").

The Companies have recently been served with a 90-day notice from the Attorney General of the State of Oklahoma (the "Attorney General") stating his intent to file a lawsuit against the Companies pursuant to the federal Solid Waste Disposal Act, 42 U.S.C. §6972(a)(1)(B), unless the Companies undertake certain activities in the Illinois River Watershed within the 90-day time limit. (A copy of the Attorney General's Notice is attached hereto and hereby incorporated). The Attorney General has also notified the Companies that if he files a lawsuit, the State will assert other claims under state and federal law. If he intends to file a lawsuit under the federal Solid Waste Disposal Act, the law requires the Attorney General to give 90 days notice to the Companies. Because the Attorney General served his Notice on the Companies, the same law requires the Companies to provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Notice, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm. The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law.

Page 2  
April 8, 2005

However, since the Attorney General claims that the release of nutrients into the Watershed is the source of the alleged damages, other sources of nutrients, such as domestic and municipal waste systems, including septic systems, campgrounds, golf courses, marinas, nurseries, cattle operations, horse operations, hay operations and other users or applicators of commercial fertilizers in the Watershed may be potentially liable under the same legal theories. Therefore, you are receiving this notice pursuant to 42 U.S.C. § 6972(a)(1)(B), because your activities and/or operations may be contributing nutrients and other substances to the waters in the Illinois River Watershed, and the Attorney General has claimed that such nutrients and substances are causing an "imminent and substantial endangerment to human health and the environment."

The Companies believe it may be possible to avoid litigation. However, should the Attorney General file a lawsuit against the Companies, the Companies intend to bring the other potential contributors listed above into the lawsuit and seek relief in the form of an injunction requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that if they are sued by the Attorney General, you may be joined as a third-party defendant.

The Companies are serving you with this notice only because they are required to by the actions of the Attorney General. In their negotiations with the Attorney General, the Companies have been very vocal about the need to resolve Oklahoma's water quality concerns in Oklahoma's Scenic River Watersheds in a comprehensive fashion so as to address all of the potential nutrient sources. To date, the Companies' efforts have been ignored. Although the Companies have made every attempt to negotiate a solution to this problem with the Attorney General, he has elected to notify the Companies of his intent to file a lawsuit after the 90-day period expires. If this occurs, you should be advised that you may be sued in such litigation by the Companies shortly thereafter. If it becomes necessary to join you into the lawsuit, the Companies will seek all other equitable and legal remedies available including those demands made by the Attorney General upon the Companies.

The following are the demands the Attorney General has made on the Companies:

- 1) Immediately stop placing phosphorous and other components contained in poultry litter into the Illinois River Watershed;
- 2) Immediately determine the damage to the waters and natural resources of the State caused by the release of these components into the Illinois River Watershed;
- 3) Develop and implement a plan to fix any damage to the waters and natural resources of the State; and

Page 3  
April 8, 2005

- 4) Reimburse the State for past and future response costs; attorney's fees and costs.

The Companies remain willing to resolve this dispute with the Attorney General, and he has told the Companies that he too remains prepared to negotiate.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
(918) 599-0700

Tyson Foods, Inc.  
c/o Stephen Jantzen, Esq.  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
(479) 582-5711

George's, Inc.  
c/o Gary Weeks, Esq.  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
(816) 292-2000

cc: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

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Restricted Delivery Fee (Endorsement Required)		-
Total Postage & Fees	\$	9.70

Postmark Here  
 OCT 21 2005  
 TULSA OK 74103  
 USPS

Sent To  
 William J + Cherrie House  
 Street, Apt. No.,  
 or PO Box No. PO Box 1097  
 City, State, ZIP+4 Stilwell OK 74460

PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 William J + Cherrie House  
 P.O. Box 1097  
 Stilwell, OK 74460

2. Article Number  
 (Transfer from service label) 7005 1160 0003 4795 7069

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X Cherrie House ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery  
 11-9-05

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

**RESTRICTED DELIVERY**

October 10, 2005

Darryl Cates  
Route 2, Box 507  
Westville, OK 74965

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Darryl Cates:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General has served the lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the



Page 2 of 4  
October 10, 2005

Watershed is the source of the alleged damages, other sources of nutrients, such as domestic and municipal waste systems, including septic systems, campgrounds, golf courses, marinas, nurseries, cattle operations, horse operations, hay operations and other users of commercial fertilizers in the Watershed may be potentially liable under the same legal theories.

On October 4, 2005, the Companies filed their Third Party Complaint in this lawsuit stating their claims for contribution and indemnification against other potential contributors within the watershed, whose activities are listed above. The Companies are seeking relief in the form of requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve including injunctive relief. The Companies have already named you in the lawsuit based upon those claims listed by the Attorney General in the Amended Complaint with the exception of third party claims under the SWDA. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that you will be joined as a third-party defendant in their contribution and indemnification claims under SWDA, and that Companies will seek all equitable and legal remedies available against you, including those demands made by the Attorney General upon the Companies.

The Companies are only serving you with this notice and bringing you into the lawsuit because they are required to by the actions of the Attorney General. In their negotiations with the Attorney General, the Companies have been very vocal about the need to resolve Oklahoma's water quality concerns in Illinois River Watershed in a comprehensive fashion so as to address all of the potential nutrient sources. To date, the Companies' efforts have been ignored. Although the Companies have made every attempt to negotiate a solution to this problem with the Attorney General, he has elected to file and pursue his lawsuit against the Companies.

The State of Oklahoma is seeking the following in its Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- III. A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;



Page 3 of 4  
October 10, 2005

- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
- V. Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- VI. Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies remain willing to resolve this dispute with the Attorney General. However, you must be involved in any comprehensive solution to reduce the level of these nutrients in the Illinois River Watershed will require your involvement. If you have questions about this notice, you may contact one of the Company representatives identified below.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

Page 4 of 4  
October 19, 2005

cc: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

3017

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 Total Postage & Fees \$ \_\_\_\_\_

**RESTRICTED DELIVERY**

Sent To: Darryl Cates  
 Street Apt. or PO Box: Route 2, Box 507  
 City, State: Westville, OK 74965

PS Form 3811

7003 3110 0004 1976 1038

OK 74965  
 OCT 11 2005  
 USPS

**SENDER: COMPLETE THIS SECTION**

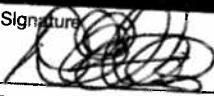
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Darryl Cates  
 Route 2, Box 507  
 Westville, OK 74965

2. Article (Trans) 7003 3110 0004 1976 1038

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  ☐ Agent ☐ Addressee

B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery \_\_\_\_\_

D. Is delivery address different from item 1? ☐ Yes ☐ No  
 If YES, enter delivery address below: \_\_\_\_\_

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

WESTVILLE OK 74965  
 OCT 12 2005  
 USPS

October 10, 2005

Tony & Laura Hamm  
RR 3 Box 1460  
Stilwell, OK 74960

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Tony & Laura Hamm:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General has served the lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the

Page 2 of 4  
October 10, 2005

Watershed is the source of the alleged damages, other sources of nutrients, such as domestic and municipal waste systems, including septic systems, campgrounds, golf courses, marinas, nurseries, cattle operations, horse operations, hay operations and other users of commercial fertilizers in the Watershed may be potentially liable under the same legal theories.

On October 4, 2005, the Companies filed their Third Party Complaint in this lawsuit stating their claims for contribution and indemnification against other potential contributors within the watershed, whose activities are listed above. The Companies are seeking relief in the form of requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve including injunctive relief. The Companies have already named you in the lawsuit based upon those claims listed by the Attorney General in the Amended Complaint with the exception of third party claims under the SWDA. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that you will be joined as a third-party defendant in their contribution and indemnification claims under SWDA, and that Companies will seek all equitable and legal remedies available against you, including those demands made by the Attorney General upon the Companies.

The Companies are only serving you with this notice and bringing you into the lawsuit because they are required to by the actions of the Attorney General. In their negotiations with the Attorney General, the Companies have been very vocal about the need to resolve Oklahoma's water quality concerns in Illinois River Watershed in a comprehensive fashion so as to address all of the potential nutrient sources. To date, the Companies' efforts have been ignored. Although the Companies have made every attempt to negotiate a solution to this problem with the Attorney General, he has elected to file and pursue his lawsuit against the Companies.

The State of Oklahoma is seeking the following in its Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- III. A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;

October 10, 2005

Darylene Hamm  
RR 3 Box 1490  
Stilwell, OK 74960

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Darylene Hamm:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

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The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the



Page 114  
October 11, 2005

Watershed is the source of the alleged damages, other sources of nutrients, such as domestic and municipal waste systems, including septic systems, campgrounds, golf courses, marinas, nurseries, cattle operations, horse operations, hay operations and other users of commercial fertilizers in the Watershed may be potentially liable under the same legal theories.

On October 4, 2005, the Companies filed their Third Party Complaint in this lawsuit stating their claims for contribution and indemnification against other potential contributors within the watershed, whose activities are listed above. The Companies are seeking relief in the form of requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve including injunctive relief. The Companies have already named you in the lawsuit based upon those claims listed by the Attorney General in the Amended Complaint with the exception of third party claims under the SWDA. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that you will be joined as a third-party defendant in their contribution and indemnification claims under SWDA, and that Companies will seek all equitable and legal remedies available against you, including those demands made by the Attorney General upon the Companies.

The Companies are only serving you with this notice and bringing you into the lawsuit because they are required to by the actions of the Attorney General. In their negotiations with the Attorney General, the Companies have been very vocal about the need to resolve Oklahoma's water quality concerns in Illinois River Watershed in a comprehensive fashion so as to address all of the potential nutrient sources. To date, the Companies' efforts have been ignored. Although the Companies have made every attempt to negotiate a solution to this problem with the Attorney General, he has elected to file and pursue his lawsuit against the Companies.

The State of Oklahoma is seeking the following in its Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- III. A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;



12-1-06  
11/1/06 10:11 AM

- IV. All costs associated with assessing and quantifying the amount of degradation and natural resource damages as well as the amount of the natural resource damages itself;
- V. Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- VI. Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies remain willing to resolve this dispute with the Attorney General. However, you must be involved in any comprehensive solution to reduce the level of these nutrients in the Illinois River Watershed will require your involvement. If you have questions about this notice, you may contact one of the Company representatives identified below.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

Page 97 of 153  
Case 4:05-cv-00329-GKF-PJC

cc: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
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Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

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Sent to: Darylene Hamm  
 Street or PO: RR 3 Box 1490  
 City, State, ZIP+4: Stilwell, OK 74960

PS Form 3811, February 2004

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Darylene Hamm  
 RR 3 Box 1490  
 Stilwell, OK 74960

2. Article Number (Transfer)

7003 3110 0004 1976 1069

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 Darylene Hamm

B. Received by (Printed Name)  
 Darylene Hamm

C. Date of Delivery  
 10-13-05

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

Domestic Return Receipt

102595-02-M-1540

October 10, 2005

Eugene Dills  
Cookson Country Store and Cabins  
19724 W. Cookson Bend Road  
Cookson, OK 74427

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Eugene Dills:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General has served the lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the

Page 2 of 4  
October 10, 2005

Watershed is the source of the alleged damages, other sources of nutrients, such as domestic and municipal waste systems, including septic systems, campgrounds, golf courses, marinas, nurseries, cattle operations, horse operations, hay operations and other users of commercial fertilizers in the Watershed may be potentially liable under the same legal theories.

On October 4, 2005, the Companies filed their Third Party Complaint in this lawsuit stating their claims for contribution and indemnification against other potential contributors within the watershed, whose activities are listed above. The Companies are seeking relief in the form of requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve including injunctive relief. The Companies have already named you in the lawsuit based upon those claims listed by the Attorney General in the Amended Complaint with the exception of third party claims under the SWDA. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that you will be joined as a third-party defendant in their contribution and indemnification claims under SWDA, and that Companies will seek all equitable and legal remedies available against you, including those demands made by the Attorney General upon the Companies.

The Companies are only serving you with this notice and bringing you into the lawsuit because they are required to by the actions of the Attorney General. In their negotiations with the Attorney General, the Companies have been very vocal about the need to resolve Oklahoma's water quality concerns in Illinois River Watershed in a comprehensive fashion so as to address all of the potential nutrient sources. To date, the Companies' efforts have been ignored. Although the Companies have made every attempt to negotiate a solution to this problem with the Attorney General, he has elected to file and pursue his lawsuit against the Companies.

The State of Oklahoma is seeking the following in its Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- III. A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;

Page 3 of 4  
October 10, 2005

- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
- V. Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- VI. Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies remain willing to resolve this dispute with the Attorney General. However, you must be involved in any comprehensive solution to reduce the level of these nutrients in the Illinois River Watershed will require your involvement. If you have questions about this notice, you may contact one of the Company representatives identified below.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

Page 4 of 4  
October 19, 2006

CC: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Steve Thompson  
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P.O. Box 1677  
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**DELIVERY**

Sent To Eugene Dills  
 Street, Apt. or PO Box 19724 W. Cookson Bend Road  
 City, State, Cookson, OK 74427

PS Form 3811, February 2004

7003 3110 0004 1976 1045

TULSA OK 74427  
 OCT 11 2004  
 Postmark Here

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Eugene Dills  
 Cookson Country Store and Cabins  
 19724 W. Cookson Bend Road  
 Cookson, OK 74427

2. Article Number  
 (Transfer from serv 7003 3110 0004 1976 1045

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Eugene F. Dill C. Date of Delivery 10/12/04

D. Is delivery address different from item 1? ☒ Yes  
 If YES, enter delivery address below: ☐ No  
 PO Box 46  
 Cookson 74427

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

October 10, 2005

Lake Country Resort, Inc. - Tenkiller Golf Club  
Route 1, Box 189  
Vian, OK 74962

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Lake Country Resort, Inc.:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General has served the lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the

Page 2 of 4  
October 10, 2005

Watershed is the source of the alleged damages, other sources of nutrients, such as domestic and municipal waste systems, including septic systems, campgrounds, golf courses, marinas, nurseries, cattle operations, horse operations, hay operations and other users of commercial fertilizers in the Watershed may be potentially liable under the same legal theories.

On October 4, 2005, the Companies filed their Third Party Complaint in this lawsuit stating their claims for contribution and indemnification against other potential contributors within the watershed, whose activities are listed above. The Companies are seeking relief in the form of requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve including injunctive relief. The Companies have already named you in the lawsuit based upon those claims listed by the Attorney General in the Amended Complaint with the exception of third party claims under the SWDA. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that you will be joined as a third-party defendant in their contribution and indemnification claims under SWDA, and that Companies will seek all equitable and legal remedies available against you, including those demands made by the Attorney General upon the Companies.

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The State of Oklahoma is seeking the following in its Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
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Page 3 of 4  
October 10, 2005

- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
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- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies remain willing to resolve this dispute with the Attorney General. However, you must be involved in any comprehensive solution to reduce the level of these nutrients in the Illinois River Watershed will require your involvement. If you have questions about this notice, you may contact one of the Company representatives identified below.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

Page 4 of 4  
October 10, 2005

CC: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

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Oklahoma Department  
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P.O. Box 1677  
Oklahoma City, OK 73101-1677

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**Sent To** Lake Country Resort, Inc.  
**Street, or PO** Tenkiller Golf Club  
**City, S** Route 1, Box 189  
Vian, OK 74962

**Postmark Here**  
TULSA OK 74103  
OCT 11 2005  
USPS

**PS Form** **Instructions**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  </p> <p><input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Lake Country Resort, Inc.  Tenkiller Golf Club  Route 1, Box 189  Vian, OK 74962</p>		<p>B. Received by (Printed Name)  Amy Stovall</p> <p>C. Date of Delivery  10/12/05</p>	
<p>2. Article Num  (Transfer from) 7003 3110 0004 1976 2974</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



October 10, 2005

Ancil Maggard  
Route 2, Box 568  
Westville, OK 74965

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Ancil Maggard:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

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The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the



Page 2 of 4  
October 19, 2005

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Page 3 of 4  
October 10, 2005

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Best regards,

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c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
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Ryan, Whaley, Coldiron  
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119 North Robinson  
Ste 900  
Oklahoma City, OK  
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c/o John Elrod, Esq.  
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Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
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Page 4 of 4  
October 10, 2005

cc: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
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Region 6  
1445 Ross Ave. Ste 1200  
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The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

**RESTRICTED DELIVERY**

Sent To: Ancil Maggard  
 Street, A Route 2, Box 568  
 or PO Box Westville, OK 74965  
 City, State

PS Form 3811, February 2004

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>Ancil Maggard</i> 10-15-05  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Ancil Maggard</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes        If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Ancil Maggard          Route 2, Box 568          Westville, OK 74965</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article N          (Transfer)</p>	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>7003 3110 0004 1976 1113</p>	

October 10, 2005

Jessee T. Proctor  
P.O. Box 892  
Muldrow, OK 74948

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Jessee T. Proctor:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General has served the lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the

Page 2 of 4  
October 10, 2005

Watershed is the source of the alleged damages, other sources of nutrients, such as domestic and municipal waste systems, including septic systems, campgrounds, golf courses, marinas, nurseries, cattle operations, horse operations, hay operations and other users of commercial fertilizers in the Watershed may be potentially liable under the same legal theories.

On October 4, 2005, the Companies filed their Third Party Complaint in this lawsuit stating their claims for contribution and indemnification against other potential contributors within the watershed, whose activities are listed above. The Companies are seeking relief in the form of requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve including injunctive relief. The Companies have already named you in the lawsuit based upon those claims listed by the Attorney General in the Amended Complaint with the exception of third party claims under the SWDA. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that you will be joined as a third-party defendant in their contribution and indemnification claims under SWDA, and that Companies will seek all equitable and legal remedies available against you, including those demands made by the Attorney General upon the Companies.

The Companies are only serving you with this notice and bringing you into the lawsuit because they are required to by the actions of the Attorney General. In their negotiations with the Attorney General, the Companies have been very vocal about the need to resolve Oklahoma's water quality concerns in Illinois River Watershed in a comprehensive fashion so as to address all of the potential nutrient sources. To date, the Companies' efforts have been ignored. Although the Companies have made every attempt to negotiate a solution to this problem with the Attorney General, he has elected to file and pursue his lawsuit against the Companies.

The State of Oklahoma is seeking the following in its Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
- III. A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;

Page 3 of 4  
October 19, 2005

- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
- V. Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- VI. Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies remain willing to resolve this dispute with the Attorney General. However, you must be involved in any comprehensive solution to reduce the level of these nutrients in the Illinois River Watershed will require your involvement. If you have questions about this notice, you may contact one of the Company representatives identified below.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000



Page 1004  
October 10, 2005

cc: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

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Sent Jessee T. Proctor  
 Street or P.O. Box P.O. Box 892  
 City, State, ZIP+4® Muldrow, OK 74948

PS Form 3811, February 2004

**RESTRICTED DELIVERY**

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jessee T. Proctor  
 P.O. Box 892  
 Muldrow, OK 74948

2. Article Number (Transfer from) 7003 3110 0004 1976 1106

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature X ☐ Agent ☐ Addressee

B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery \_\_\_\_\_

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
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☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☒ Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

October 10, 2005

Brazil Creek Minerals, Inc.  
Glenn E. Thompson  
101 N. Church Street.  
Poteau, OK 74953-

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Glenn E. Thompson:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

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Page 2 of 4  
October 10, 2005

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Page 3 of 4  
October 10, 2005

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c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
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Lathrop & Gage  
2345 Grand Blvd.,  
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Page 4 of 4  
October 10, 2005

CC: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

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1200 Pennsylvania Ave., NW  
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Sent To **Brazil Creek Minerals, Inc.**  
 Glenn E. Thompson  
 Street, Apt or PO Box **101 N. Church Street.**  
 City, State **Poteau, OK 74953-**

PS Form 3811, February 2004

7003 3110 0004 1976 1144

OCT 14 2005

USPS

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <i>x Delon Spabey</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)            C. Date of Delivery  <i>10/17/05</i></p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No  <i>P.O. 905</i></p>
<p>1. Article Addressed to:</p> <p><b>Brazil Creek Minerals, Inc.</b>  <b>Glenn E. Thompson</b>  <b>101 N. Church Street.</b>  <b>Poteau, OK 74953-</b></p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number            (Transfer from serv.)</p>	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>7003 3110 0004 1976 1144</p>	



October 10, 2005

Lena and Garner Garrison  
Route 1, Box 87  
Gore, OK 74435

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Lena and Garner Garrison:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

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October 10, 2005

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Page 3 of 4  
October 10, 2005

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c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

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Page 4 of 4  
October 10, 2005

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Governor of the State of Oklahoma  
State Capitol, Room 212  
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7003 3110 0004 1976 1137

Sent: Lena and Garner Garrison  
 Street or PO: Route 1, Box 87  
 City: Gore, OK 74435

PS Form 3811, February 2004

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Lena Garrison <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)            LENA GARRISON</p> <p>C. Date of Delivery            12/12/05</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Lena and Garner Garrison            Route 1, Box 87            Gore, OK 74435</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from)</p> <p>7003 3110 0004 1976 1137</p>	

October 10, 2005

Julie A. and John E. Cotherman  
P. O. Box 90  
Gore, OK 74435

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Julie A. and John E. Cotherman:

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October 10, 2005

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On October 4, 2005, the Companies filed their Third Party Complaint in this lawsuit stating their claims for contribution and indemnification against other potential contributors within the watershed, whose activities are listed above. The Companies are seeking relief in the form of requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve including injunctive relief. The Companies have already named you in the lawsuit based upon those claims listed by the Attorney General in the Amended Complaint with the exception of third party claims under the SWDA. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that you will be joined as a third-party defendant in their contribution and indemnification claims under SWDA, and that Companies will seek all equitable and legal remedies available against you, including those demands made by the Attorney General upon the Companies.

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- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
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Page 3 of 4  
October 10, 2005

- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
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- VI. Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies remain willing to resolve this dispute with the Attorney General. However, you must be involved in any comprehensive solution to reduce the level of these nutrients in the Illinois River Watershed will require your involvement. If you have questions about this notice, you may contact one of the Company representatives identified below.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

Page 4 of 4  
October 10, 2005

cc: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

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St or Ci  
 PS

Julie A. and John E. Cotherman  
 P. O. Box 90  
 Gore, OK 74435

**RESTRICTED DELIVERY**

Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <i>X Julie A. Cotherman</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery  <i>10-18-05</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes        If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Julie A. and John E. Cotherman          P. O. Box 90          Gore, OK 74435</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>2. Article Number          (Transfer from)</p> <p>PS Form 38</p>	<p>7003 3110 0004 1976 1168</p> <p>102595-02-M-1540</p>

Return Receipt

October 19, 2005

John W. & Virginia W. Adair  
The John E. and Virginia W. Adair Family Revocable Trust  
Rt 2 Box 1160  
Stilwell, OK 74960

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear John W. & Virginia W. Adair:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General has served the lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

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Page 2 of 4  
October 10, 2005

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Page 3 of 4  
October 10, 2005

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Best regards,

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c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
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Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

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Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

Page 1 of 4  
October 10, 2003

CC: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Steve Thompson  
Executive Director  
Oklahoma Department  
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P.O. Box 1677  
Oklahoma City, OK 73101-1677



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John W. & Virginia W. Adair  
 The John E. and Virginia W. Adair  
 Family Revocable Trust  
 Rt 2 Box 1160  
 Stilwell, OK 74960

**RESTRICTED DELIVERY**

PS Form 3811, February 2004

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature            X <i>Virginia W. Adair</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery            10-13-05</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>John W. &amp; Virginia W. Adair            The John E. and Virginia W. Adair            Family Revocable Trust            Rt 2 Box 1160            Stilwell, OK 74960</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number            (Transfer from serv)</p>	<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>7003 3110 0004 1976 1083</p>	

October 10, 2005

Helen Watts, Trustee of the Helen Watts Revocable Trust  
P. O. Box 822  
Gore, OK 74435

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Helen Watts, Trustees:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

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The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the

Page 2 of 4  
October 10, 2005

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Page 3 of 4  
October 10, 2005

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Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
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Ryan, Whaley, Coldiron  
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119 North Robinson  
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Page 4 of 4  
October 10, 2005

cc: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
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The Honorable W.A. Drew Edmondson  
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Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
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P.O. Box 1677  
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Sent to: Helen Watts, Trustee  
 Street or PO: P. O. Box 822  
 City: Gore, OK 74435

**RETURN RECEIPT REQUESTED**

Postmark: OK 74103 OCT 11 2005

PS Form 3811, February 2004

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <b>X</b> <i>Helen Watts</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <u>10/12/05</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><b>RESTRICTED DELIVERY</b></p> <p>Helen Watts, Trustee  <del>P. O. Box 822</del> <b>RT1 Bx 277</b>          Gore, OK 74435</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>2. Article Number _____          (Transfer from service label)</p>	<p>7003 3110 0004 1976 1175</p>

PS Form 3811, February 2004

Domestic Receipt

102595-02-M-1540

October 10, 2005

Daniel T. Meier  
Pro Lawn Services, Inc.  
300 S. Ranchwood, Suite 1  
Yukon, OK 73099

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear Daniel T. Meier:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

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October 10, 2005

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- III. A permanent injunction requiring the immediate abatement of pollution-causing conduct in the Illinois River Watershed, to remediate the Watershed, including the lands, waters and sediments therein, and to take all such actions as may be necessary to abate the imminent and substantial endangerment to the health and the environment;

Page 3 of 4  
October 10, 2005

- IV. All costs associated with assessing and quantifying the amount of remediation and natural resource damages as well as the amount of the natural resource damages itself;
- V. Restitution in an amount sufficient to make the State of Oklahoma whole for loss and damages it has suffered by release of these alleged constituents into the Illinois River Watershed;
- VI. Disgorgement of all gains realized in consequence of the release of these alleged constituents into the Illinois River Watershed;
- VII. Statutory penalties; and
- VIII. Reimburse the State for its attorney's fees and costs.

The Companies remain willing to resolve this dispute with the Attorney General. However, you must be involved in any comprehensive solution to reduce the level of these nutrients in the Illinois River Watershed will require your involvement. If you have questions about this notice, you may contact one of the Company representatives identified below.

Best regards,

Peterson Farms, Inc.  
c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
(918) 599-0700

Tyson Foods, Inc.  
Tyson Poultry, Inc.  
Tyson Chicken, Inc.  
Cobb-Vantress, Inc.  
c/o Stephen Jantzen, Esq.  
Ryan, Whaley, Coldiron  
& Shandy, P.C.  
119 North Robinson  
Ste 900  
Oklahoma City, OK  
(405) 239-6040

Simmons Foods, Inc.  
c/o John Elrod, Esq.  
Conner & Winters,  
P.C.  
100 West Center St.  
Ste 200  
Fayetteville, AR  
72701  
(479) 582-5711

George's, Inc.  
George's Farm, Inc.  
c/o Gary Weeks, Esq.  
Bassett Law Firm  
P.O. Box 3618  
Fayetteville, AR  
72702-3618  
(479) 521-9996

Willow Brook Foods, Inc.  
c/o Thomas Grever, Esq.  
Lathrop & Gage  
2345 Grand Blvd.,  
Suite 2800  
Kansas City, MO  
64108-2612  
(816) 292-2000

Page 4 of 4  
October 10, 2005

CC: The Honorable Brad Henry  
Governor of the State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

Richard Green  
Regional Administrator  
Environmental Protection Agency  
Region 6  
1445 Ross Ave. Ste 1200  
Dallas, TX 75202

The Honorable W.A. Drew Edmondson  
Attorney General of the State of Oklahoma  
2300 N. Lincoln Blvd., Ste 112  
Oklahoma City, OK 73105

Stephen J. Johnson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

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 City, State, ZIP+4: Park Hill, OK 74451

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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<p>1. Article Addressed to:</p> <p>Pro Lawn &amp; Landscape          P. O. Box 515          Park Hill, OK 74451</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number          (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7005 1160 0003 4795 7144</p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

October 10, 2005

R. Jay Chandler  
Greater Tulsa Investments, LLC  
401 South Boston, Suite 2900  
Tulsa, OK 74103

**Re: Notice of Claim Pursuant to Solid Waste Disposal Act**

Dear R. Jay Chandler:

This letter is to inform you that the following parties are providing you with a 90-day notice of their claim against you: Peterson Farms, Inc.; Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Simmons Foods, Inc.; George's, Inc.; George's Farm, Inc.; and Willow Brook Foods, Inc. (the "Companies").

On June 13, 2005, the Attorney General for the State of Oklahoma filed a lawsuit in the Northern District of Oklahoma against the Companies. A copy of the First Amended Complaint filed on August 19, 2005, is attached hereto. In its Amended Complaint, the State of Oklahoma has asserted claims under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, the Solid Waste Disposal Act ("SWDA"), 42 U.S.C. § 6972, state and federal statutes, and state and federal common law. Because the Attorney General has served the lawsuit on the Companies, the same law requires that Companies provide a 90-day notice to any other entity, party or company that they claim should be a part of any lawsuit filed by the Attorney General.

In his Amended Complaint, the Attorney General alleges that Illinois River Watershed has been damaged by poultry litter and its constituents, including the nutrients contained within poultry litter such as phosphorous and phosphorous compounds, and nitrogen and nitrogen compounds. The Attorney General is claiming that poultry litter is a federally regulated solid and/or hazardous waste, and that its use in this Watershed is creating an "imminent and substantial endangerment to human health and the environment." The heart of the Attorney General's claim is that when poultry litter is applied to the land within the Watershed as a fertilizer, excess phosphorous and other components of the litter run-off the land and enter into the waters of the State of Oklahoma causing environmental harm.

The Companies deny that poultry litter or nutrients such as phosphorus are solid or hazardous wastes, or that they or their contract poultry growers have violated any law. However, since the Attorney General claims that the release of nutrients into the

Page 2 of 4  
October 10, 2005

Watershed is the source of the alleged damages, other sources of nutrients, such as domestic and municipal waste systems, including septic systems, campgrounds, golf courses, marinas, nurseries, cattle operations, horse operations, hay operations and other users of commercial fertilizers in the Watershed may be potentially liable under the same legal theories.

On October 4, 2005, the Companies filed their Third Party Complaint in this lawsuit stating their claims for contribution and indemnification against other potential contributors within the watershed, whose activities are listed above. The Companies are seeking relief in the form of requiring those contributors to participate with the Companies in each and every aspect of relief the Attorney General intends to achieve including injunctive relief. The Companies have already named you in the lawsuit based upon those claims listed by the Attorney General in the Amended Complaint with the exception of third party claims under the SWDA. The Companies may also bring claims for indemnity and contribution against the owners and operators of other sources. Because you have been identified as one of these potential contributors, the Companies are notifying you that you will be joined as a third-party defendant in their contribution and indemnification claims under SWDA, and that Companies will seek all equitable and legal remedies available against you, including those demands made by the Attorney General upon the Companies.

The Companies are only serving you with this notice and bringing you into the lawsuit because they are required to by the actions of the Attorney General. In their negotiations with the Attorney General, the Companies have been very vocal about the need to resolve Oklahoma's water quality concerns in Illinois River Watershed in a comprehensive fashion so as to address all of the potential nutrient sources. To date, the Companies' efforts have been ignored. Although the Companies have made every attempt to negotiate a solution to this problem with the Attorney General, he has elected to file and pursue his lawsuit against the Companies.

The State of Oklahoma is seeking the following in its Amended Complaint:

- I. All past monetary damages suffered by and all costs and expenses incurred by the State of Oklahoma in the Illinois River Watershed;
- II. All future monetary damages suffered by and all costs and expense incurred by the State of Oklahoma as result of and in connection with the continuing effects of the wrongful conduct in the Illinois River Watershed;
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Best regards,

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c/o Scott McDaniel, Esq.  
Joyce, Paul & McDaniel,  
P.C.  
1717 S. Boulder Ave.  
Ste 200  
Tulsa, OK 74119  
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Tyson Foods, Inc.  
Tyson Poultry, Inc.  
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Ryan, Whaley, Coldiron  
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Simmons Foods, Inc.  
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P.C.  
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George's, Inc.  
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Richard Green  
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Stephen J. Johnson  
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Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Steve Thompson  
Executive Director  
Oklahoma Department  
of Environmental Quality  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

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 Greater Tulsa Investments, LLC  
 401 South Boston, Suite 2900  
 Tulsa, OK 74103

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R. Jay Chandler  
 Greater Tulsa Investments, LLC  
 401 South Boston, Suite 2900  
 Tulsa, OK 74103

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PS Form 3811, February 2004

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